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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/126,194 07/30/98 VANDERMINDEN W 73709/225

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PM82/0301

EXAMINER

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ART UNIT PAPER NUMBER

3618

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DATE MAILED: 03/01/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/126,194

Applicant(s)
Vanderminden, William M.

Examiner
Bridget Avery

Group Art Unit
3618



☒ Responsive to communication(s) filed on Dec 10, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 9, 13, 15, 18, and 24 is/are rejected.

☒ Claim(s) 4-8, 10-12, 14, 16, 17, and 19-23 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

- NO* 2. Claims 1, 2 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Betts et al. (US Patent 4,690,417).

Betts discloses a foldable trolley having a body frame (54) of box-shaped skeletal structure; a pair of leg frames (14), each leg frame (14) being disposed at an opposite side of the body frame (54) from the other of the leg frames (14); connecting means integrated in the body frame (54) and each leg frame (14) for releasably connecting each leg frame (14) to the body frame (54); and a table top (52) releasably connected to and across the leg frame in vertically spaced relation to the body frame (54). See column 4, lines 1-15.

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3. Claims 1-3, 13 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaeffle (US Patent 912,035).

Schaeffle discloses a tray holder including a body frame (38) of box-shaped skeletal structure; a pair of leg frames (1, 7) (2, 16), each leg frame (1, 7) (2, 16) being disposed at an opposite side of the body frame (38) from the other of the leg frames; connecting means (8) integrated in the body frame (38) and each leg frame (1, 7) (2, 16) for releasably connecting each leg frame (1, 7) (2, 16) to the body frame (38); a tray (39), that is capable of functioning as a table top, releasably connected to and across the leg frames (1, 7) (2, 16) in vertically spaced relation to the body frame (38); and a horizontally disposed floor plate (41) removably mounted in the body frame (38) to provide a shelf. See column 2, lines 30-36. Note, the word "connect", according to Webster, means (1) to join or fasten together: UNITE or (2) to associate or relate. The examiner recognizes that the tray (39), which is capable of functioning as a table top, is associated with the arms (9) and therefore, according to Webster, they are connected.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Graziano et al. (US Patent 5,931,488).

Graziano et al. discloses a knock-down portable table including a body frame (12); a pair of leg frames (16, 18), each leg frame (16, 18) being releasably connected to the body frame (12) at an opposite side from the other of the leg frames; and a table top (14) releasably connected to and across the leg frames (16, 18) in vertically spaced relation to the body frame (12).

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- NO 5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Price (US Patent 5,913,270).

Price discloses a knock-down portable table including a body frame (102); a pair of leg frames (104, 106), each leg frame (104, 106) being releasably connected to the body frame (102) at an opposite side from the other of the leg frames; and a table top (156) releasably connected to and across the leg frames (104, 106) in vertically spaced relation to the body frame (102).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Okay 7. Claims 1-3, 9, 13, 15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vredenburg (US Design Patent 252,563).

Vredenburg discloses a serving cart including a body frame (A) of box-shaped skeletal structure; a pair of leg frames (B), each leg frame (B) being disposed at an opposite side of the body frame (A) from the other of the leg frames (B); connecting means (as can be seen from the drawings) integrated in the body frame (A) and each leg frame (B) for connecting each leg frame

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(B) to the body frame (A); a table top (C) connected to and across the leg frames (B) in vertically spaced relation to the body frame (A); and a horizontally disposed floor plate (D) mounted in the body frame (A) to provide a shelf. Vredenburg discloses the claimed invention except for a releasable connection between parts and a fabric strip. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a releasable connection between parts for ease in storage, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. See *Nerwin v. Erlichman*, 168 USPQ 177, 179. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a fabric strip since it was known in the art that fabric strips are used as straps for securing objects.

8. Claims 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaeffe ('035).

Schaeffe discloses the claimed invention except for a second pair of vertically disposed rectangular frames defining a pair of ends of the body frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second pair of vertically disposed rectangular frames to define a pair of ends of the body frame to provide further support for the trays, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

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OKay

9. Claims 1, 2, 13, 15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schliemann et al. (US Patent 3,731,639).

Schliemann et al. discloses a table assembly including a body frame of box-shaped skeletal structure having a first and second pair of vertically disposed rectangular frames (C); a pair of leg frames (13), each leg frame (13) being disposed at an opposite side of the body frame (C) from the other of the leg frames (13); connecting means (15) integrated in the body frame (C) and each leg frame (13) for releasably connecting each leg frame (13) to the body frame (C); a table top (11) releasably connected to and across the leg frames (13) in vertically spaced relation to the body frame (C); and, each leg frame (13) has a pair of horizontal outwardly disposed arms (A, B).

Schliemann et al. lacks the teaching of a portable cart.

Based on the teachings of Schliemann et al., it would have been obvious to one of ordinary skill in the art, at the time of the applicant's invention, to modify the table assembly to include wheels or casters on the leg frames to facilitate ease in moving the table assembly from one place to another.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graziano et al. (488) in view of Schliemann et al. ('639).

Graziano et al. discloses the features described above including a body frame having a rectangular box shape.

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Graziano et al. lacks the teaching of a body frame being of rectangular box-shaped skeletal structure.

Schliemann et al. discloses a table assembly where the body frame is of rectangular box-shaped skeletal structure.

Based on the teachings of Schliemann et al., it would have been obvious to one of ordinary skill in the art, at the time of the applicant's invention to modify the body frame of Graziano to be of skeletal structure for ease in viewing below the surface of the table top as a safety feature to deter crime.

Allowable Subject Matter

11. Claims 4-8, 10-12, 14, 16, 17 and 19-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments with respect to claims 1, 2, 9-11, 13, 15, 18 and 24 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chiarello shows a transportable unit of interest.

Sheeley et al. shows an instrument cart of interest.

Vanderminden shows a bar cart of interest.

Harrah shows a wheeled tray of interest.

Williams shows a handling truck of interest.

Wegner shows a display support of interest.

Carlbon show a collapsible table of interest.

Huff shows a table of interest.

Flynn shows a laundry helper of interest.

Bosko et al. shows a portable workbench of interest.

White et al. shows a folding and rolling two surface table of interest.

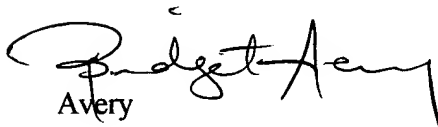
Rae shows a portable table apparatus of interest.

Marmer et al. shows a convertible table/cart apparatus of interest.


Shannon et al. shows an ergonomic utility cart of interest.

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14. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number (703) 308-2086.


Avery

February 23, 2000


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2/25/00